

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROY ALBERT LEWIS, a/k/a
LEROY ALBERT LEWIS,

Petitioner,

No. C 07-1008 PJH

No. CR 05-638 SI

v.

INTERNATIONAL MONETARY FUND,
et al.

**SUA SPONTE JUDICIAL
REFERRAL FOR PURPOSE
OF DETERMINING RELATIONSHIP**

Defendants.

On February 16, 2007, petitioner Roy Albert Lewis, a/k/a Leroy Albert Lewis ("Lewis"), filed pro se what appears to be a civil complaint entitled "libel of review" against the International Monetary Fund ("IMF") and the Internal Revenue Service ("IRS"), among others. Additionally, Lewis filed a motion for a temporary restraining order.

Lewis is currently the defendant in a criminal action pending before the Honorable Susan Illston, CR 05-638 SI. Lewis is represented in the criminal case by attorney Michael Shepard of Heller Ehrman, LLP. Lewis has been indicted, under both names above, on two counts of conspiracy to defraud the United States pursuant to 18 U.S.C. § 371, and eight counts of tax evasion under 26 U.S.C. § 7201. It appears from the criminal docket that Lewis is scheduled to be sentenced in CR 05-638 SI this Friday, February 23, 2007.

As best this court can tell, Lewis claims that the criminal action against him in personam is illegal, and that the IRS and/or the United States government should instead be proceeding against his property in rem. In his motion for a temporary restraining order, Lewis seeks to enjoin prosecution in the criminal case.

1 Given the relationship between this case and the criminal action pending before
2 Judge Illston, the court makes this sua sponte judicial referral to Judge Illston in order for
3 the relationship between both cases to be properly determined, as required by Civil Local
4 Rule 3-12(b).

5 This court will NOT hear Lewis' motion for a temporary restraining order until such
6 determination has been made. The February 21, 2007 hearing date set on Friday,
7 February 16, 2007 is VACATED.

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9 **IT IS SO ORDERED.**

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11 Dated: February 20, 2007



12 PHYLLIS J. HAMILTON
13 United States District Judge

14 cc: Honorable Susan Illston; Michael Shepard
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